IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6370 OF 2005
IN
CRIMINAL APPEAL NO. 890 OF 2005

Dattatray Harishchandra Golipkar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Smt. Gauri Godse, Advocate for Applicant

Mr. V.B.Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 5TH OCTOBER, 2005

P. C.:-

1. Heard both sides.

2. The applicant is praying for suspension of sentence and suspension of conviction imposed on him. As far as the suspension of conviction is concerned, liberty is granted to the applicant to prefer separate application for the said prayer. Hence, this application is being considered only in respect of suspension of sentence.

3. The applicant has been convicted under Section 7, 13 (1) (d) and 13(2) of Prevention of Corruption Act. The maximum sentence of imprisonment imposed on the

applicant is one year.

4. It is stated by the learned advocate for the applicant that the applicant was on bail pending the trial and this liberty has not been misused by him. This statement has not been controverted by the prosecution. It is further submitted by the learned advocate for the applicant that the maximum sentence imposed on the applicant is one year and this appeal is not likely to be heard within the said time.

5. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat reported in (1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. In view of all the facts and circumstances, I am inclined suspend the sentence imposed on the applicant.

6. The sentence of imprisonment imposed on the applicant is suspended and the applicant Dattatray Harishchandra Golipkar to be released on bail in the sum of Rs.15,000/- with one or two sureties to make up the said amount.

7. Application is disposed of.

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